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OFFICE OF PETITIONS

In re Application of
Straub et al.
Application No. 10/675,711
Filed: September 30, 2003
Attorney Docket No. 702.253

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed November 3, 2005, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The above-identified application was deemed abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed May 20, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application was deemed abandoned as of August 21, 2005. A Notice of Abandonment was mailed on October 26, 2005.

Petitioner has provided a showing in compliance with 37 CFR 1.8(b) establishing the issue fee transmittal sheet was sent to the Office via facsimile telephone number 703-746-4000 on June 28, 2005.

Effective December 1, 2003, the Office required all patent application related correspondence transmitted by facsimile to be directed to a central facsimile number, (703) 872-9306, with a few exceptions.¹ One of the exceptions was the transmission of issue fees. The facsimile number for issue fee and publication fee payments was 703-746-4000.

On July 12, 2005, the Office issued an updated list of facsimile transmission numbers.² The new Notice did not change the facsimile number for issue fee payments.

The facsimile number for issue fee payments was changed to 571-273-2885 by an updated list of facsimile numbers published in the Official Gazette on October 18, 2005.³

¹ Centralized Delivery and Facsimile Transmission Requirements for Patent Application Related Correspondence, 1275 Off. Gaz. Pat. Office 200 (Oct. 28, 2003).

² New Patents Central FAX Number and Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence (signed June 20, 2005) 1296 OG 76 (July 12, 2005).

³ Updated Lists of Exceptions to the Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence (signed Sep 19, 2005) 1299 OG 98 (October 18, 2005).

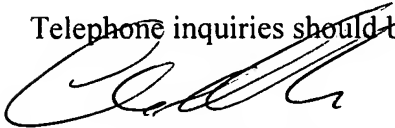
Petitioner has established the issue fee was timely and properly submitted.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee will be credited back to petitioner's deposit account.

The Office of Publications will be informed of the instant decision so that steps can be taken to issue the application as a patent.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Petitions Attorney
Office of Petitions